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By ECF

Clerk of Court
United States District Court
Western District of Wisconsin

Re: *Dawson v. Great Lakes Educational Loan Services, Inc.*, No. 15-CV-475

In Great Lakes' opening and reply briefs in support of their motion for summary judgment, filed on June 3 and August 16, 2019, we explained why the RICO count in Ms. Dawson's complaint does not state a valid claim because she did not plead a pattern of racketeering activity. Specifically, her fraud allegations failed to satisfy Rule 9(b) and therefore could not support a pattern of racketeering activity, and she neither alleged nor can prove either open-ended or close-ended continuity. Opening Br. 38-49, Dkt. 218 at 47-58; Reply Br. 33-37, Dkt. 262 at 42-46.

A November 12, 2019 decision by the Court of Appeals for the Seventh Circuit demonstrates the continuing strength of these points, in affirming dismissal for failure to plead a pattern of racketeering activity of a RICO claim containing allegations far more detailed than Dawson's. *Menzies v. Seyfarth Shaw LLP*, No.18-3232. Specifically, the court refused to treat fraud allegations pled without requisite Rule 9(b) particularity as RICO predicate acts. Slip op. at 20-21. Further, the court refused to find that continuity existed where the scheme alleged did not "present[] any meaningful prospect of continuing." Slip op. at 25; *accord id.* at 23-25. Using Fed. R. App. P. 28(j) as our model, we provide the decision as supplemental authority supporting our motion.

Very truly yours,

s/ Thomas L. Shriner, Jr.

Thomas L. Shriner, Jr.

cc: All counsel of record (by ECF)

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